

Making retroactive exclusive defenses for enforcement of prenuptial agreements

SB 123 by C. Harris (Goodman)

- DIGEST:** SB 123 would have amended HB 1274 by Goodman, a bill also enacted during the regular session, to apply to actions pending on or brought after September 1, 1993. HB 1274 makes unconscionability and involuntary execution of the property agreements the exclusive remedies and defenses available to litigants in premarital, marital partition and marital exchange agreements, including common law remedies or defenses; HB 1274 applies only to actions affecting agreements executed on or after September 1, 1993.
- GOVERNOR'S REASON FOR VETO:** "SB 123 amends HB 1274 enacted this session. HB 1274 established exclusive statutory defenses to an action to enforce a prenuptial agreement. As adopted, HB 1274 applied only to agreements executed on or after the effective date of the act. This bill would change HB 1274 to apply to all prenuptial agreements in an 'action pending on or brought after' the effective date of the act. The changes made by HB 1274 should not be applied to agreements made previous to the effective date."
- RESPONSE:** Sen. Chris Harris, the author of SB 123, was unavailable for comment.
- Rep. Toby Goodman, the House sponsor, said: "HB 1274 was meant to clarify existing law on prenuptial and postnuptial agreements. SB 123 was to clarify HB 1274 to make it clear that the bill applied to all agreements currently in force. The veto in effect has set up a different standard on marital agreements executed after September 1, 1993. The veto will confuse available remedies on marital agreements based on the execution date. The governor's office misunderstood HB 1274."
- NOTES:** HB 1274 was signed by the governor on May 12 and is effective September 1, 1993; it was analyzed in the March 29 *Daily Floor Report*. SB 123 passed the House on the Consent Calendar and was not analyzed.